THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19572 of 20006

Dated:22.09.2006

Between
Nalajala Rattamma

.....Petitioner

and

1.The District Collector, Nellore
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19572 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents 1 to 6 to provide the water from Kothacheruvu of Pathavuppuluru village to the land in Sy.No.101-1 admeasuring Ac.5.08 gunts in Pathavuppuluru village.

It is the case of the petitioner that she is the owner and possessor of the above said land. According to her, she has been cultivating the said land by drawing water from the Pathavuppuluru tank since more than 40 years. While so, the President of the 6th respondent raised an objection stating that the above land of the petitioner is not under ayacut of the above said water tank and therefore, she is not entitled to draw water from the

said tank. In this regard, the petitioner made several representations to the respondents orally and also filed a written representation on 25.10.1999 to the 2nd respondent, who, in turn, directed the 3rd respondent to conduct enquiry with regard to supply of water to the land of the petitioner. The 3rd respondent sent the Mandal Revenue Officer to conduct an enquiry. The Mandal Revenue Officer submitted his report on 28.10.1999 to the 3rd respondent, *inter alia*, stating that along with Village Administrative Officer, he visited the land of the petitioner. It is further stated in his report that the petitioner has been cultivating her lands since 23 years from the water of the tank. Respondents 2 to 5 after conducting thorough enquiry, included the petitioner's land in ayacut of Kotha Cheruvu of Patha Vuppuluru village and recommended to supply water to the petitioner's land. In spite of the same, the 6th respondent is intentionally not providing water to the land of the petitioner. Hence, the writ petition.

A detailed counter-affidavit has been filed by the 5th respondent, wherein, it is stated that the President, Water User's Association is the competent authority under Section 17 of Act 11/97 to regulate the water supply for irrigation of the registered ayacut. Due to scarcity of water, the petitioner cannot assert any right to supply water from the said tank. Further, it is stated that the petitioner's request for inclusion of her land in the registered ayacut of Kotha Cheruvu tank of Pathavuppulur will be considered by the competent authority at the appropriate time.

The Water User's Association has not filed any counter.

In view of the above, the 1st respondent is directed to consider the inclusion of the land of the petitioner in the ayacut of Kotha Cheruvu after looking into the report submitted by the Mandal Revenue Officer and also after completing the formalities required in this regard, within a period of three months, from the date of receipt of a copy of this order. Till such time, the petitioner shall be

allowed to draw water as was being drawn earlier.

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21-09-2006

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